



Express Mail No. EV 797 295 857 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: SENEZ, Raymond Confirmation No.: 9338
Serial No.: 09/514,271 Art Unit: 3624
Filed: February 28, 2000 Examiner: Jagdish Patel
For: AUTOMATED BILL PAYMENT Attorney Docket No: 062107-0014
SYSTEM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is to request pre-appeal brief review of the rejection of claims 1-25 under 35 U.S.C. 103(a) as unpatentable over Kitchen et al. (USP 6,289,322) in view of Remington et al. (USP 6,070,150).

The present invention is an automated bill payment system for use by billers and their clients..

Kitchen describes a centralized bill presentment and payment system in which bills are aggregated at a central CF station 140 from biller station 110a-d and presented to payor stations 120a-d for review and payment. Payment instructions are received at the central CF station from the payor stations and are executed by the CF station at financial institutions FI stations 130a-c. The centralized nature of Kitchen's system is readily apparent from his Figure 2 which shows a variety of biller stations, payor stations and FI stations disposed around a single CF station 140 at the center.

Applicant's invention, however, is a system that does not use a centralized system for distributing bills. Rather, bills are prepared by billers and provided to clients by the billers

without the services of a bill processing server. This avoids the need for contractual arrangements between the billers and a centralized billing service and gives the biller control of billing formats and what is presented to his clients. The bills include payment instructions illustratively embedded in HTML code and means for activating such instructions, illustratively in the form of an icon displayed in the bill. The instructions are addressed to a bill processing server that causes the bill to be paid by debiting the client's account and crediting the biller's account.

To make up for the deficiencies of Kitchen the Examiner relies on Figure 4 of Remington which discloses a system in which bills are presented by the biller to the consumer at step 132 and payment instructions are transmitted by the consumer back to the biller at step 134. This system, however, does not teach or suggest that the bill payment instructions be communicated from the client computer to the bill processing server as recited in applicant's independent claims 1 and 14. Rather, it teaches away from such a centralized arrangement by providing for return of the payment instructions to the biller.

In both Remington and Kitchen, the bill includes a means for initiating bill payment instructions. However, in both Remington and Kitchen, when the payor initiates the bill payment instructions, the bill payment instructions are returned to the bill presenter. In the case of Remington, the biller is the bill presenter and bill payment instructions are returned to the biller. In the case of Kitchen, the central bill processor (CF) is the bill presenter and bill payment instructions are returned to the central bill processor. There is no teaching in either Remington or Kitchen of any bill format that contains a means for initiating bill payment instructions, which, when selected, causes the bill payment instructions to be sent to any party other than the bill presenter. Thus, the result does not teach or suggest the claimed invention in which the bill payment instructions are sent to a bill processing server and not back to the biller.

The differences between applicant's invention and the references are emphasized in the third, fourth and fifth wherein clauses in applicant's claim 1. Specifically, the third clause specifies that the client computer receives and views bill information from a biller server and not from a bill processing server while the fourth clause specifies that the processor integral to the client computer communicates bill payment instructions to the bill processing server and the fifth clause specifies that the bill processing server causes accounts to be debited and credited upon

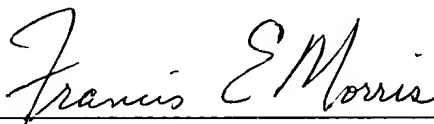
receipt of the bill payment instructions. Similar limitations are found in paragraphs b, f and g of claim 14.

Since Kitchen and Remington do not reach or suggest a system or method that operates in this way, claims 1 and 14 are believed patentable. Dependent claims 2 - 13 and 15 - 25 are believed patentable for the same reasons claims 1 and 14 are patentable.

In view of the forgoing remarks, the claims in this application are believed to be in condition for allowance. Such action is respectfully requested.

Respectfully submitted,

Date: November 21, 2005



Francis E. Morris

24,615 (Reg. No.)

Morgan, Lewis & Bockius LLP
101 Park Avenue
New York, NY 10178
(212) 309-6632